IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 960 of 1998

Between:

The Guduru Toddy Tappers Co-operative Society, Gudur,

Nellore District, rep. by its Preisdent Sri Mulam Ramalingaiah,

S/o. Siddaiah, West Gamandlapalem, Gudur, Nellore District.

... PETITIONER

AND

1. The superintendent, Prohibition and Excise, Nellore.
2. Mulam Annapurnamma, W/o. late M. Radha Krishnaiah,

   Aged about 45 years, residing at Gudur, Nellore District.

3. The District Collector, Nellore, Nellore District.

.... RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in issuing the proceedings in

R.C.No.362/97/A3 dated

03-10-1997 as one without jurisdiction, arbitrary and illegal.

Counsel for the Petitioner: MR.M.RAVINDRANATH REDDY

Counsel for Respondent No.2: MR.VENKATESWARLU POSANI

Counsel for Respondent No.1: G.P. for Prohibition & Excise

The Court made the following:

ORDER:

This writ petition is filed seeking Mandamus declaring the action of the 1st respondent in issuing the proceedings in R.C.No.362/97/A3 dated

03-10-1997 as one without jurisdiction, arbitrary and illegal.

2. During the course of hearing, it is submitted by the learned counsel for the petitioner and admitted to by the learned Government Pleader appearing on behalf of the respondents that the subject matter of this writ petition is squarely covered by a judgment of this court **dated 20-02-2002 in W.P.No.6983 of 2001**, which reads as under. -

> " Heard both sides.
>
> The learned counsel for the petitioner submits that the first respondent by impugned proceedings dt. 16-12-2000 directed the petitioner society to admit the persons mentioned in the impugned order as members of the petitioner toddy tappers co-operative society. The learned counsel for the petitioner submits that the petitioner has no power whatsoever to direct the petitioner society to admit the members in its society and that the powers under section 19 of the Co-operative Societies Act have not been delegated and therefore the first respondent has no power to issue the impugned proceedings. The learned Government Pleader has not disputed the above contentions of the learned counsel for the petitioner.
>
> Under the above circumstances, it has to be held that the impugned order passed by the first respondent
> dt. 16-12-2000 is without jurisdiction and it is accordingly set aside.
>
> In the result, the writ petition is allowed. No costs."

Recording the submission and following the ratio in the aforementioned judgment, this writ petition is also allowed. No order as to costs.

N.V. RAMANA, J

April 20, 2005

MRR

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Bilal Nazki, the Acting Chief Justice, on this the twentieth day of April Two thousand and five.

ASSISTANT REGISTRAR

Copy to. –

1. *The superintendent, Prohibition and Excise, Nellore.*
2. *Mulam Annapurnamma, W/o. late M. Radha Krishnaiah,*

Aged about 45 years, residing at Gudur, Nellore District.

3. *The District Collector, Nellore, Nellore District.*

Two C.C. s to the G.P. for Prohibition & Excise, High Court of A.P., Hyderabad (OUT)

Two C.D. Copies.